



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DUNG PHAN

Defendant.

Case No. 08-00584-MMM

ORDER OF PRETRIAL DETENTION
AFTER HEARING
(18 U.S.C. § 3142)

I.

A. ☐ On motion of the Government involving an alleged:

1. ☐ crime of violence;
2. ☐ offense with maximum sentence of life imprisonment or death;
3. ☐ narcotics or controlled substance offense with maximum sentence of ten or more years;
4. ☐ any felony where defendant convicted of two or prior offenses described above; or,
5. ☐ any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

B. On motion ☒ (by the Government)/() (by the Court sua sponte involving):

1. ☒ a serious risk defendant will flee; or,

2. () a serious risk defendant will

a. () obstruct or attempt to obstruct justice.

b. () threaten, injure, or intimidate a prospective witness or juror or attempt to do so.

II.

The Court finds no condition or combination of conditions will reasonably assure:

A. ☒ appearance of defendant as required;
and/or

B. ☒ safety of any person or the community.

III.

The Court has considered:

A. ☒ the nature and circumstances of the offenses;

B. ☒ the weight of evidence against the defendant;

C. ☒ the history and characteristics of the defendant; and,

D. ☒ the nature and seriousness of the danger to any person or to the community.

IV.

The Court concludes:

A. ☒ Defendant poses a risk to the safety of other persons or the community because: of economic threat; instant offense /

the present allegations; prior arrests or convictions; prior substance abuse history; possession of weapons in past charge

B. ☒ History and characteristics indicate a serious risk that defendant will flee because: of his ties to a foreign country;

no visible bail resources; FTA on a past charge; unverified background information; substance abuse history; lack of candor regarding prior criminal history; no economic ties.

*not based upon testimonial proof, but based upon facts stated in indictment

1 C. () A serious risk exists that defendant will:

2 1. () obstruct or attempt to obstruct justice.

3 2. () attempt to threaten, injure or intimidate a witness/juror.

4 These findings are based on the following: _____

5 _____
6 _____
7 D. () Defendant has not rebutted by sufficient evidence to the contrary the
8 presumptions provided in 18 U.S.C. § 3142(e).

9 V.

10 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.

11 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of the
12 Attorney General for confinement in a corrections facility separate, to the extent practicable, from
13 person awaiting or service sentences or being held in custody pending appeal.

14 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable opportunity
15 for private consultation with counsel.

16 D. IT IS FURTHER ORDERED that, on order of a court of the United States or on
17 request of any attorney for the Government, the person in charge of the corrections facility in which
18 defendant is confined deliver the defendant to a United States marshal for the purpose of an
19 appearance in connection with a court proceeding.

20 DATED: September 29, 2008

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22 CAROLYN DURCHIN
23 UNITED STATES MAGISTRATE JUDGE
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